IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.4861 of 2006
Date of Decision : 07.08.2007

M/s Lagnesh Engineering Co.Pvt. Ltd. & anr. .....Petitioners

versus

The National Horticulture Board & another .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.Sanjay Vij, Advocate for the petitioners.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

The present revision is against the order dated 5.6.2006, passed by the learned trial Court whereby the amendment in the written statement sought by the present petitioners so as to raise counter claim, was declined.

Learned counsel for the petitioners has vehemently argued that the amendment has been declined on the ground that the trial has commenced, but as the suit has been filed prior to commencement of the Code of Civil Procedure (Amendment Act), 2002, therefore, the trial Court was not right in declining the amendment. However, a reading of the order shows that by virtue of the amendment, the petitioners want to raise counter claim claiming a decree for mandatory injunction after framing of issues. All other amendments are consequential to the said claim of counter claim.

The counter claim has to be raised by the defendant by filing the written statement before the settlement of issues. Therefore, the amendment sought so as to incorporate the counter claim, has been rightly declined.

Consequently, I do not find any illegality or irregularity in the order passed by the learned trial Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

The present revision petition stands dismissed.

07-08-2007 **(HEMANT GUPTA)**
*mohinder **JUDGE**